

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

IN RE:)	Case No. 301-12036
)	Chapter 11
PHOENIX RESTAURANT GROUP, INC.,)	Bankruptcy Judge Lundin
et al.,)	Jointly Administered
)	
Reorganized Debtors.)	Bankruptcy Adv. No. 03-0568A
<hr/>)	
)	
PHOENIX RESTAURANT GROUP, INC.,)	
et al.,)	
)	No. 3:06-0881
Plaintiffs/Appellees,)	JUDGE ECHOLS
)	
v.)	
)	
PROFICIENT FOOD COMPANY,)	
)	
Defendant/Appellant.)	

ORDER

For the reasons stated herein and in the Memorandum entered contemporaneously herewith, the Court rules as follows:

(1) Oral argument would not be of assistance to the Court in resolving the issues presented in the pending appeal and therefore, the parties' requests for oral argument contained in their appellate briefs (Docket Entry Nos. 7 & 12), are hereby DENIED.

(2) The Bankruptcy Court's Final Judgment in favor of the Plan Administrator and against Defendant/Appellant Proficient Food Company in the amount of \$519,077.63 is hereby AFFIRMED.

(3) Entry of this Order on the docket shall constitute entry of final judgment in accordance with Federal Rules of Civil Procedure 58 and 79(a).

It is so ORDERED.



ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE